

## U.S. Department of Justice



United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

July 9, 2007

**VIA FACSIMILE**

Hon. Paul A. Crotty  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 735  
New York, New York 10007

Re: Viruet v. United States of America  
07-cv-3710 (PAC)

Dear Judge Crotty:

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
DOC #:
DATE FILED: <u>JUL 09 2007</u>

Application **GRANTED**  
SO Ordered JUL 09 2007

*Paul A. Crotty*

This Office represents the defendant, the United States of America (the "Government"), in the above-referenced tax refund action. Taxpayer alleges that the Internal Revenue Service ("IRS") deposited her tax refund into an incorrect bank account. As set forth in the Complaint and Exhibit A thereto, the IRS deposited the taxpayer's refund in the account indicated by the taxpayer, which the taxpayer now alleges was an incorrect account. (*Compare* Compl. ¶¶ 9, 13 with Ex. A at 2.) Plaintiff's Complaint alleges, and the Government has confirmed, that the direct deposit was sent to an account at HSBC. As a result, the Government has contacted HSBC and is attempting to resolve this issue without the need for further litigation.

The Government's answer or other response to the complaint is due today. However, given the facts of the case and the Government's attempt to informally resolve this issue, the Government requests an extension of 30 days of the deadline for the Government's response until August 8, 2007.

This is the Government's first request for an extension. The Government has left messages for opposing counsel but has been unable to reach opposing counsel. Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney  
for the Southern District of New York

By:

*Carol A. Fornos*  
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**MEMO ENDORSED**

cc: Elizabeth A. Maresca, Esq. (via Facsimile and First Class Mail)  
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